



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Steven Wells, DVM
Interim State Veterinarian

October 13, 2014

Jerry Kilpatrick, President
Elizabeth Shirley, Manager
Valley River Humane Society, Inc.
P.O. Box 658
Murphy, NC 28906

UPS Tracking No:
1Z 210 617 425389 3047

Re: **SUSPENSION OF ANIMAL SHELTER CERTIFICATE OF REGISTRATION**
Valley River Humane Society
Animal Shelter Certification No. 4

Dear Mr. Kilpatrick & Ms. Shirley:

This letter is an Order issued pursuant to N.C. Gen. Stat. § 19A-30 concerning your operation of an animal shelter under certification of registration from the Animal Welfare Section of the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") pursuant to N.C. Gen. Stat. § 19A-26. The animal shelter facility operated by Valley River Humane Society, Inc., (hereinafter, "VRHS") was inspected by this Section with the noted results:

Date of Inspection	Results (Approved/Disapproved/Contingent Approval)
September 23, 2014	Disapproved
August 5, 2014	Approved
May 21, 2014	Contingent Approval
March 20, 2014	Disapproved
February 20, 2014	Contingent Approval
January 24, 2014	Disapproved

VRHS' shelter facility received a warning letter on March 25, 2014, informing you that specific action was needed to bring the facility into compliance with state minimum standards. Your past president, Dr. Ackerman, replied and provided a schedule plan for doing so on or about April 3, 2014. However, the shelter facility has failed to remain consistently compliant with those standards since that date.

These inspections were conducted pursuant to the requirements set forth under the NC Animal Welfare Act. The inspection reports you received on those dates constitute written notice to you and VRHS indicating how you are failing to satisfy the requirements for holding a certificate of

registration for the above-named animal shelter as required by N.C. Gen. Stat. § 19A-30. You and VRHS have been provided with the NC Animal Welfare and Act and the rules establishing facility standards there under with your certification application.

To date, your facility has failed inspection demonstrating serious deficiencies in the conditions in which your animals are kept and the care that they receive. These deficiencies are described in detail by the above-referenced inspection reports. For the reasons set forth in your last inspection report, your certification of registration is hereby **SUSPENDED** for failure to comply with the requirements set forth in N.C. Gen. Stat. § 19A-30(3). If, after receiving this order, you believe that you have remedied the conditions described in your last inspection report, you may contact the Animal Welfare Section and request a re-inspection. If your facility passes that inspection, I will consider lifting the suspension.

You may contest this decision by filing a petition under the North Carolina Administrative Procedure Act, N.C. Gen. Stat. § 150B-23, within five (5) days of your receipt of this Order. Please find enclosed information on filing said petition.

Therefore, you are notified to **CEASE AND DESIST** operation of an animal shelter within thirty (30) days of receipt of this letter. If you are found operating an animal shelter after the thirtieth day following your receipt of this letter, the NCDA&CS has the authority to impose a civil penalty of up to five thousand dollars (\$5,000.00) pursuant to:

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven C. Wells", followed by a stylized flourish or second signature.

Steven C. Wells, DVM,
Interim State Veterinarian,
Veterinary Division, NCDA&CS

cc: Tina Hlabse, General Counsel, NCDA&CS
Barry Bloch, Assistant Attorney General, NCDOJ

APPEAL INFORMATION

If you file a contested case petition, it must be in writing and in the form prescribed by N.C. Gen. Stat. § 150B-23. The petition must be accompanied by a filing fee of twenty dollars (\$20.00) payable to the N.C. Office of Administrative Hearings. Should you have any questions about what the fee would be for your case, please contact the OAH Clerk's Office at 919-431-3000. Payment can be made by cash, money order, certified check or check drawn on an attorney's trust account. Make checks payable to: Office of Administrative Hearings.

File the petition and one copy with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

Any questions about filing a petition may be directed to the Clerk of OAH by telephone 919/733-0926. You must serve NCDA&CS by mailing a copy of the petition to:

Ms. Tina Hlabse
North Carolina Department of Agriculture and Consumer Services
Registered Agent and General Counsel
1001 Mail Service Center
Raleigh, NC 27699-1001